

Joint News Release on T.R. v. Dreyfus settlement from Department of Social and Health Services, Health Care Authority and Disability Rights Washington

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DSHS, HCA, and Plaintiffs announce settlement of lawsuit targeting children's mental health services

OLYMPIA – State officials and attorneys for the plaintiffs in TR v. Dreyfus filed a preliminary settlement on August 29 that begins implementation of a program to provide intensive home and community-based mental health services to high-needs Medicaid eligible children and youth.

The federal District Court lawsuit filed in November 2009 asserted the state was not providing sufficient intensive home and community-based services to Medicaid eligible children at risk for out-of-home placement due to mental illness or emotional disorders. The defendants in the lawsuit were the Department of Social and Health Services and the Health Care Authority.

Several other state Medicaid programs have unsuccessfully litigated lawsuits on similar grounds. The State of Washington decided that it was not in the best interest of the state or children to litigate.

“The plaintiffs and the state agreed that the needs of these most vulnerable children, youth and their families would not be served by a long drawn-out litigation. We determined that providing intensive services in their homes and communities is the best approach to improving the outcomes for children and youth with the greatest need.” said Jane Beyer, Assistant Secretary, for the DSHS Behavioral Health and Service Integration Administration.

“When it passed the Medicaid Act’s Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) mandate, Congress made it clear that mental health recovery during childhood and adolescence is not to be reserved for the few and the lucky who happen to get the treatment they need when they are kids,” said Mark Stroh, Executive Director of Disability Rights Washington. “With this settlement agreement, Washington has committed to build a mental health system that will bring this law to life for all young Medicaid beneficiaries who need intensive mental health services in order to grow up healthy in their own homes, schools, and communities.”

In the landmark settlement, the state and the plaintiffs agreed to change the way the highest need children and youth are provided services. Phased in over a five-year period, the state will move

from a program centered on out-of-home placement for these children and youth to a program of intensive home and community-based services that fully considers the strengths and needs of children, youth and their families.

“The key to this settlement was the underlying agreement between the state and the plaintiffs that we can better serve these children,” said State Medicaid Director MaryAnne Lindeblad. “While our plan is based on a realistic phased approach, it carries a new and profound commitment to these families and the future of their children and youth.”

It is estimated that 3,000 to 6,000 children and youth will be served each year through the program when it is fully implemented. The plaintiffs hailed the settlement as a reasonable solution to a longtime problem.

The program uses a well-tested assessment tool, the Child and Adolescent Needs and Strengths (CANS) and intensive home and community-based services as the heart of the program. The program, called Wraparound with Intensive Services (WISe), focuses on achieving the best possible outcomes for these children, youth and families.

The assessment tool will identify children’s needs, track their progress and support accountability at all levels. Evidence-based, wraparound services will be available to the children, with close collaboration between DSHS, the children and their families and other child-serving partners in the agency.

For background/additional information:

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For background on the lawsuit: <http://www.dshs.wa.gov/dbHR/>

[DRW settlement statement/video](#)

<http://www.disabilityrightswa.org/kids-community-based-mental-health>